

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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HONORABLE STEPHEN V. WILSON, DISTRICT JUDGE PRESIDING

ROBERT HUNTER BIDEN,)
)
Plaintiffs,)
)
)
)
)
vs.) NO. CV 23-09430-SVW
)
)
)
PATRICK M. BYRNE,)
)
)
Defendant.)
)
_____)

REPORTER'S TRANSCRIPT OF JURY TRIAL PROCEEDINGS

TRIAL DAY ONE

LOS ANGELES, CALIFORNIA

TUESDAY, JULY 29, 2025

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| <u>PLAINTIFF'S WITNESSES: DIRECT CROSS REDIRECT RECROSS</u> | |

(None)

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E X H I B I T S

PLAINTIFF'S RECEIVED MARKED

(None)

1 LOS ANGELES, CALIFORNIA; TUESDAY, APRIL 10, 2024

2 -o0o-

3 (COURT IN SESSION AT 9:10 A.M.)Tuesday, July 29, 2025;

4 trial day one

5 THE COURTROOM DEPUTY: Calling item one,
6 2:23-CV-09430-SVW-PD: *Robert Hunter Biden v. Patrick*
7 *Byrne*.

8 Counsel, please stand and state your
9 appearances for the record.

10 MR. HANSEN: Bryan Sullivan on behalf of
11 plaintiff.

12 MR. BARBER: Zachary Hansen on behalf of
13 plaintiff.

14 MR. BARBER: Phillip Barber on behalf of
15 plaintiff.

16 MR. HARPOOTLIAN: Richard Harpootlian on behalf
17 of plaintiff.

18 MR. NEFF: Eric Neff on behalf of defendant,
19 Your Honor.

20 MS. LAMBERT: Good morning, Your Honor.
21 Stefanie Lambert Junttila on behalf of Dr. Byrne. I
22 filed a pro hac vice for to the Court to consider.

23 MR. YU: Good morning, Your Honor. Tom Yu on
24 behalf of defendant.

25 THE COURT: Well, I mean, you may be seated.

1 We have a totally new cast of -- of lawyers who
2 have appeared for the first time. I mean, I've never
3 seen these lawyers. Mr. Murphy, who is not here -- and
4 he should be here. He didn't receive the Court's
5 permission not to be here. And I've messaged him and
6 directed him to be here immediately. I mean, this is
7 becoming, well, circus-like. And it's not the way
8 things should be.

9 Who will be questioning the witnesses and
10 arguing from the Defense side?

11 MS. LAMBERT: Your Honor, if I may, we have
12 divided up each witness, opening argument, and closing
13 argument. So one attorney will do one witness, and one
14 attorney will open. One attorney will close. One
15 attorney will object during the cross of a witness so
16 you won't have the back and forth that I know frustrated
17 the Court yesterday.

18 THE COURT: I -- I -- you need -- one, two,
19 three, four -- five lawyers?

20 MS. LAMBERT: Your Honor, there is three
21 lawyers. This is our trial team. I have been
22 Dr. Byrne's attorney since day one. My office --

23 THE COURT: What is your name?

24 MS. LAMBERT: My name is Stefanie Lambert, Your
25 Honor. I filed the pro hac vice.

1 THE COURT: When did you file it?

2 MS. LAMBERT: It was filed on Pacer,
3 Your Honor.

4 THE COURT: But -- but we -- we never had a
5 hearing. Why was Mr. Murphy representing the defendant
6 for as long as I have been presiding on this case, which
7 was at beginning? He was the lawyer from the outset.
8 That's over a a two-year period.

9 MS. LAMBERT: Sure. I can possibly alleviate
10 some of the Court's concerns. I have been working hand
11 in hand with Mr. Murphy. My office hired Mr. Murphy's
12 office since day one. We are not seeking a continuance.
13 We are ready for trial. We don't want to delay --

14 THE COURT: Are you familiar with all the
15 Court's rulings?

16 MS. LAMBERT: Correct, Your Honor. All three
17 attorneys at this table have read all of the Court's
18 rulings, and we're familiar with the entire file.

19 THE COURT: And, Mr. Yu, have you -- are you --
20 do you know of all the Court's rulings?

21 MR. YU: I have, Your Honor. I've reviewed --

22 THE COURT: When did you first enter this case?

23 MR. YU: Yesterday, Your Honor.

24 THE COURT: When?

25 MR. YU: Yesterday morning.

1 THE COURT: Well, how could you have you read
2 and digested every aspect of the case?

3 MR. YU: Well, just to be fully transparent --

4 THE COURT: Take the lectern. Take the
5 lectern.

6 MR. YU: Absolutely, Your Honor. I've -- I've
7 read all the Court's rulings as far as the -- there's --
8 there was a lot of -- there's a lot of rulings to go
9 through, yes. I am --

10 THE COURT: The Court has spent days and many
11 hearings and four pretrial conferences trying to make
12 rulings on so many different motions and motions in
13 limine. You did appear, I remember, in another case
14 before me less than a year ago. But notwithstanding
15 that you, I thought, represented your client well in
16 that case, the -- you have to understand all rulings of
17 the Court, and some of rulings were -- I wouldn't say
18 complex, but they were -- they -- they limited a lot of
19 what the Defense intended to do.

20 I mean, defendant Byrne is not here. Who --
21 who is the lead lawyer in the case? Is there a lead
22 lawyer, or is this, you know, a politburo?

23 MS. LAMBERT: Your Honor, if you -- if's okay
24 for me to address the Court from here? I can go to the
25 lectern. We intend to work as a team. I have been

1 Dr. Byrne's attorney for several years now, and I have
2 been on this case with Michael Murphy, working with him
3 every step of the way since day one.

4 THE COURT: Why haven't you informed the Court
5 until recently about your being -- your -- your being
6 co-counsel for years? Why -- why in -- why the secret?
7 Why operate incognito?

8 MS. LAMBERT: There's no secret, Your Honor.
9 Mr. Murphy was to try the case. That's what he was
10 hired to do. There has been a breakdown between
11 Mr. Murphy and Dr. Byrne that I don't want to go into,
12 client confidential information. But the -- the pro hac
13 should have been filed earlier, but Mr. Murphy said that
14 there were filing complications and he wasn't going to
15 get it on Pacer. I wasn't quite sure what he was trying
16 to explain.

17 THE COURT: Who said -- who said that?

18 MS. LAMBERT: Mr. Murphy. I asked that he
19 bring it to the Court yesterday and -- and hand it to
20 the Court.

21 THE COURT: Well, has Mr. Murphy -- there was
22 no motion before me to have Mr. Murphy replaced, and he
23 didn't seek the Court's permission at the morning of
24 trial to withdraw. So what is Mr. Murphy's status now?

25 MS. LAMBERT: The status is -- and I've been

1 copied on communications where I don't want go into the
2 substance --

3 THE COURT: Take the lectern.

4 MS. LAMBERT: Yes, Judge.

5 Your Honor, I've been copied on communications,
6 and I don't want to go into the substance of
7 attorney-client information. But it was very clear that
8 there was a -- a permanent breakdown of communication
9 and the attorney-client relationship between Dr. Byrne
10 and Mr. Murphy. And Dr. Byrne has fired Mr. Murphy in
11 writing. And I have read that.

12 THE COURT: You call him Dr. Byrne?

13 MS. LAMBERT: That's correct, Your Honor.

14 THE COURT: Is that how you intend to call him
15 at the trial?

16 MS. LAMBERT: With the Court's permission.

17 THE COURT: No. Call him by his name.

18 MS. LAMBERT: Okay.

19 THE COURT: The Court does recognize that means
20 of identifying a person when they're a medical doctor.
21 Likewise, the Court recognizes that type of description
22 if someone is actively a senator or a governor or
23 something else or a priest or a minister or a rabbi.
24 But otherwise, the Court prefers that -- that people be
25 identified by their names.

1 MS. LAMBERT: Yes, Your Honor.

2 THE COURT: I mean, this is very upsetting to
3 the Court, I must say. This is not the way things
4 should be. One second. I'll give you a chance. Be
5 seated for a moment.

6 MR. BARBER: Yes, Judge. I just have the right
7 information. I'm sorry.

8 THE COURT: And so you're saying that --
9 that -- in terms of -- of -- of examining or
10 cross-examining the plaintiff, how do you, -- without
11 telling me line and verse, in light of my prior rulings,
12 who's going to cross-examine the plaintiff?

13 MS. LAMBERT: Your Honor, one of the
14 attorneys -- I'm prepared to cross-examine.

15 THE COURT: I didn't ask you who's prepared.
16 Who is going to do it? You don't seem to know at this
17 point.

18 MS. LAMBERT: We're all prepared. Mr. Yu
19 would -- would like to do it. It is his preference.

20 THE COURT: Well, this -- this sounds like a
21 carnival.

22 Take the lectern, Mr. Yu.

23 MS. LAMBERT: We're -- we're all prepared --

24 THE COURT: Sit down, please.

25 Now, how, just generally, do you intend to

1 cross-examine the plaintiff in light of my rulings? A
2 lot of my rulings concern that. What areas do you
3 intend to get into?

4 MR. YU: Well, I think, first, Your Honor, we
5 are seeking to --

6 THE COURT: I'm only asking you that because I
7 want to make sure that you understand all these rulings.
8 You got into the case yesterday. And I don't want this
9 to become mayhem.

10 MR. YU: I understand.

11 THE COURT: So tell me how you intend to do it.

12 MR. YU: Sure. The Court wants kind of the
13 subject area, matters that I intend to get into?

14 THE COURT: Well, I mean, what areas? For
15 example, I've already ruled -- I'll give you the broad
16 strokes --

17 MR. YU: Sure.

18 THE COURT: -- that -- that the articles --
19 newspaper articles and the Ziegler report are -- you
20 can't use those because you would be cross-examining him
21 and inferring to the jury that there is some truth in
22 those reports, and there is no evidence of any of that
23 being truthful.

24 And you can, I said, cross-examine him with his
25 prior conviction. You could ask him if he -- he made

1 any specific statements that a reasonable jury could --
2 could accept as a prior act of corruption because a
3 prior act of corruption is -- is some indicia of
4 veracity, of truthfulness. But you can't just float
5 innuendo. You have to ask the questions, and you'll be
6 stuck with the answer in a way that doesn't allow
7 innuendo but is specific.

8 Do you intend to get into that?

9 MR. YU: Well, my -- my first intention,
10 Your Honor, is to get into the representation prong
11 of -- of this case.

12 THE COURT: What representation? Meaning what?

13 MR. YU: Well, I mean, the plaintiff is seeking
14 damages that purport he caused harm to his reputation.

15 THE COURT: See, already, you have not -- you
16 have indicated to me you don't understand the rulings
17 because I -- if -- plaintiff has -- has informed the
18 Court -- and not just yesterday -- that he intends to
19 only seek a dollar in damages, that he's seeking per se
20 defamation. And in that regard, damages that --
21 reputation is not at issue.

22 And then the Court has bifurcated punitive
23 damages from liability. And -- and so in this phase of
24 the case, there is no evidence that would relate to --
25 to punitive damages. In fact, the jury shouldn't even

1 be told about punitive damages; they should just be told
2 at this phase of case that this case is about
3 defamation.

4 So you've already shown me that you are not
5 familiar with what has -- with what the Court has ruled
6 on.

7 MR. YU: Sure. So --

8 THE COURT: You're telling me under oath, as a
9 lawyer, that you have, overnight -- when were you first
10 contacted to be in this case?

11 MR. YU: On Friday, Your Honor. Last Friday.

12 THE COURT: And I made some rulings yesterday.
13 Are you -- then why did you start out by saying you're
14 going to cross-examination him on reputation?

15 MR. YU: Because I think it's important for the
16 punitive damages --

17 THE COURT: I just told that punitive damages
18 are going to be bifurcated.

19 MR. YU: I understand. But I think we're
20 entitled to seek some evidence of causation, of whether
21 or not the act of our client caused a particular
22 reputation. That goes into malice and --

23 THE COURT: But -- but he's -- he's only -- it
24 is whether -- how do you respond to that?

25 MR. BARBER: I'm sorry, Your Honor?

1 THE COURT: He is saying that reputation of --
2 of -- of the plaintiff, even though the case has, in
3 phase I, been limited to per se defamation, is still
4 relevant because of -- of malice. I don't see the
5 connection. Do you?

6 MR. BARBER: Your Honor, not only do I not see
7 a connection, if these folks had been here during the
8 hearings when we discussed that, they would understand
9 not just what you wrote, but how you got there.

10 Your Honor, this is -- and if I could just
11 pivot and ask the Court one -- or explain something to
12 the Court, I think it would make a lot of this easier
13 for you to deal with. May I do that.

14 THE COURT: You want to ask me a question?

15 MR. BARBER: No. I want to give you some
16 information to add to that.

17 THE COURT: All right. Go ahead.

18 MR. BARBER: This young lady --

19 THE COURT: Her name is?

20 MR. BARBER: Stefanie Lambert. I believe she
21 was in the courtroom yesterday.

22 THE COURT: Her name is Stefanie Lambert,
23 right.

24 MR. BARBER: She was in the courtroom not --
25 well, she may have been at the table yesterday. I

1 believe she was at the table yesterday.

2 THE COURT: She was?

3 MR. BARBER: Yes, sir.

4 THE COURT: I mean, I -- I don't recognize her.

5 I do recognize the -- the woman with the blond hair

6 and -- and this gentleman sitting close to me.

7 What is your name, sir?

8 MR. REYES: Dan Reyes, Your Honor.

9 THE COURT: You're -- what was your name again?

10 MR. REYES: Dan Reyes.

11 THE COURT: Dan? Dan?

12 MR. REYES: Yes, sir. Daniel. Dan, for

13 short.

14 THE COURT: I don't even see you. Are you a
15 lawyer in this case?

16 MR. REYES: No, sir. I'm here to assist with
17 jury selection and --

18 THE COURT: You're a jury selection expert?

19 MR. REYES: I'm a trial consultant, Your Honor.

20 THE COURT: Oh, I see.

21 And so what about -- so you said Ms. --

22 Ms. Lambert was here yesterday?

23 MR. BARBER: Yes, sir, she was.

24 THE COURT: What -- what -- and the -- and the
25 blond-haired woman, are your named Carmen Selame? Is

1 that...

2 MS. KISS: No, Your Honor. My name is Marta
3 Kiss. I'm --

4 THE COURT: What is your name?

5 MS. KISS: Marta Kiss. I'm also a trial
6 consultant.

7 THE COURT: Oh, she's a trial consultant.
8 Okay. I'm not concerned about them.

9 MR. BARBER: Your Honor, what I would like to
10 bring to your attention is: Ms. Lambert indicated on
11 her pro hac vice application that she'd never been
12 denied a motion to appear pro hac, which is not true. I
13 have a -- a ruling, and I'd like to hand up a copy of
14 this to you. These are the orders -- copies of the
15 orders issued in June of this year where a federal
16 district court in Florida denied her pro hac. And I
17 think --

18 THE COURT: Let me just read it first. Okay?
19 And then you can tell me what your argument is.

20 MR. BARBER: Yes, sir.

21 Do y'all need a copy?

22 THE COURT: Okay. Go ahead. What did you want
23 to say?

24 MR. BARBER: May it please the Court. You read
25 the order. She was denied pro hac in Florida and --

1 which was not based on the fact -- they make it clear
2 that she is out on bond on two felony charges.

3 THE COURT: I mean, as the judge in the very
4 order you gave me said -- and that appears to be the law
5 in the Ninth Circuit also -- the fact that there are
6 pending charges in and of itself is not a basis for
7 denying a pro hac vice.

8 MR. BARBER: Yes, sir.

9 THE COURT: So...

10 MR. BARBER: But what he does say is --

11 THE COURT: What?

12 MR. BARBER: What he does say is she violated
13 orders in another case, disclosed confidential --

14 THE COURT: Well, I read -- I read that.
15 And -- and --

16 MR. BARBER: Okay. So, Your Honor, you used
17 the word "circus" a moment ago. Here we are -- and by
18 the way, Mr. Yu here filed her application knowing full
19 well that she been denied pro hac previously.

20 THE COURT: But as we said with -- with the
21 other applicant -- he's not even here. What is his
22 name?

23 MR. BARBER: Inkin.

24 THE COURT: Who?

25 MR. BARBER: Inkin.

1 THE COURT: Inkin. He is not here today, but I
2 did have some hearings about whether he should be
3 admitted. And I didn't publish an order, but I
4 indicated somewhat reluctantly that given the case law,
5 while I could deny his application, I chose to --

6 MR. BARBER: Yes, sir.

7 THE COURT: -- allow it. He's not even here.
8 I don't know what his role in this case is.

9 What else do you have to add?

10 MR. BARBER: She submitted this under penalty
11 of perjury.

12 THE COURT: Submitted what under penalty of
13 perjury?

14 MR. BARBER: Her pro hac application, she
15 submitted it under penalty of perjury. And there is a
16 specific -- specific question: Have you ever been
17 denied pro hac before? No.

18 THE COURT: Was that on our --

19 MR. BARBER: Your form.

20 THE COURT: Okay.

21 MR. BARBER: And so --

22 THE COURT: So in other words, the -- the form
23 does say that? It does ask?

24 MR. BARBER: Yes, sir. Yes, sir.

25 THE COURT: I thought that when we had the

1 hearing regarding Mr. Inkin, it was that -- that the
2 form didn't specifically ask that question?

3 MR. BARBER: No. The form does ask that
4 question. Mr. Inkin was whether or not he had been
5 disciplined before. And clearly, he had been, but it
6 was some time ago. And -- and so that --

7 THE COURT: Well, what is the specific question
8 in the pro hac vice application?

9 MS. LAMBERT: Your Honor, if I may address.

10 THE COURT: Just one moment. I'll give you a
11 chance.

12 MS. LAMBERT: Thank you, Your Honor.

13 MR. BARBER: Let me make sure -- Your Honor,
14 we're going to put it up on the screen for Your Honor.

15 THE COURT: Okay.

16 MR. BARBER: Your Honor, while he is hooking
17 that up, I apologize for the -- the -- we didn't get
18 notice of this until this morning. And again --

19 THE COURT: All right. Let me get
20 Ms. Lambert -- well, you have -- you have the --

21 MR. BARBER: Oh, I think we put it up. Here
22 we -- here we go. So as you can see, "List all cases in
23 which applicant has applied to this Court for for pro
24 hac." Didn't apply. "If any proc hac applications
25 submitted within the past three years have been denied

1 by the Court." Now, I would --

2 THE COURT: Well, I mean, "the Court" could be
3 interpreted to mean "this Court."

4 MR. BARBER: Well, except for -- above, it
5 says, "List all cases in which the applicant has applied
6 to this Court." The next paragraph down, it states --

7 THE COURT: I get it. I get it.

8 MR. BARBER: And -- and, Your Honor, I'd point
9 out --

10 THE COURT: Well, let -- there are other
11 reasons. I mean, she's only been here one time before.
12 She says she's been following the case closely, but that
13 doesn't equal her presence in the -- in the courtroom
14 and the -- the back-and-forth, which was extensive. And
15 there's so many things that I instructed that it is
16 almost inconceivable to me that anyone would fully
17 digest them. Mr. Yu says he got into the case
18 yesterday.

19 And what I'm -- I'm -- I'm getting to is
20 Mr. Murphy is the lawyer now, and in order for him to be
21 relieved, there has to be a motion. There is no motion
22 before me to have him relieved. And the question is:
23 Would I relieve him under these circumstances? And I
24 would be very reluctant to do so. And I've ordered him
25 to be here. I mean, he -- he -- I don't know where he

1 is. But when I found out maybe a half hour ago that he
2 wasn't here and that the -- that there were these new
3 developments, I ordered him to be here. And...

4 MR. BARBER: Your --

5 THE COURT: Yes?

6 MR. BARBER: Your Honor, two things: One, I
7 think -- is there somebody from Mr. Murphy's office
8 here?

9 THE COURT: I don't -- I don't know.

10 MR. BARBER: That works for him or related to
11 him in some way? No?

12 Well, number one, I think Your Honor's correct
13 assessment is: Here we are getting ready to pick a
14 jury. These folks have not been here, number one.
15 Number two, we take --

16 THE COURT: I mean, it would seem to me that --
17 that even from what they've said -- I mean, what
18 Ms. Lambert has said, they -- they don't even, at this
19 point, have a -- a plan for exactly how the work will be
20 divided, except that it will be divided. And that's a
21 very awkward thing. You'll have -- one, two, three --
22 what, four lawyers? Three lawyers? Three lawyers?

23 MS. LAMBERT: Your Honor, we're all prepared to
24 do every aspect of this case. And to be fair, we don't
25 know how the plaintiff intends to divide its work. It

1 has multiple lawyers, as well. They've not disclosed --

2 THE COURT: But they've been here throughout,

3 and it is clear to me how they intend to divide it.

4 Mr. Hansen is basically their -- their -- their brain

5 trust, I'll call him. He's the guy who knows what's --

6 what -- it's in the interstices. And -- and the only

7 lawyers who I think will appear -- and they have told me

8 how they've divided it up. Mr. -- Mr. Barber?

9 MR. BARBER: Barber.

10 THE COURT: He was going handle the punitive

11 damages part of it. And the -- and Mr. --

12 MR. HARPOOTLIAN: Harpootlian.

13 THE COURT: -- Harpootlian will be handling the

14 other part, and that's -- that's the division. And it's

15 been that way for quite a while.

16 I'm going to call a brief recess here and --

17 because this is just put in my face, and I want to give

18 it some careful thought. So...

19 MS. LAMBERT: Your Honor, if I may add one more

20 thing to consider?

21 THE COURT: Yes.

22 MS. LAMBERT: Mr. Inkin filed his pro hac vice

23 because the breakdown had begun, and the goal was to

24 avoid disrupting this Court's --

25 THE COURT: I knew nothing about a breakdown.

1 MS. LAMBERT: Right.

2 THE COURT: This is the first I hear about a
3 breakdown. It is five to 10:00. We're supposed -- on
4 Tuesday. We're supposed to be picking a jury now. The
5 first time I've heard about a breakdown. And like I
6 said, there is no motion before me to -- to allow
7 Mr. Murphy to withdraw.

8 And I will take a brief recess.

9 MR. BARBER: Thank you, Your Honor.

10 MS. LAMBERT: Thank you, Your Honor.

11 THE COURT: This document that you gave me
12 should be marked as Exhibit A.

13 (Whereupon, Plaintiff's Exhibit A is admitted hereto.)

14 (Recess.)

15 THE COURT: Before I give you my rulings,
16 there's one lawyer who I didn't question, Mr. Neff.

17 Who is Mr. Neff? You -- you are?

18 MR. NEFF: Yes, Your Honor.

19 THE COURT: Stand up. When were you first --
20 when were you first asked to be in this case?

21 MR. NEFF: I was initially contacted about a
22 week ago.

23 THE COURT: All right. By whom?

24 MR. NEFF: By Ms. Lambert. And I informed her
25 based on my schedule, I would not be able to do it

1 unless it happened right away. And when -- I believe I
2 heard on Friday, something could happen right away. So
3 I came on about the same time as Mr. Yu.

4 THE COURT: Are you a member of the California
5 Bar?

6 MR. NEFF: I am, Your Honor.

7 THE COURT: And are you -- do you -- have you
8 studied all of the rulings?

9 MR. NEFF: I have. I read everything I could
10 in the Pacer file and everything that was given to me
11 by --

12 THE COURT: But your reason for getting in the
13 case primarily is -- is Ms. Lambert?

14 MR. NEFF: Correct.

15 THE COURT: And you've worked with her before?

16 MR. NEFF: I have never worked with her on a
17 case before, no. But we have a professional
18 relationship.

19 THE COURT: Yeah. Okay. All right. You may
20 be seated.

21 MR. NEFF: Thank you.

22 THE COURT: Okay. So here's -- these are my
23 rulings. And I'll get to some of what I asked you
24 about, Mr. Yu, in a moment.

25 But first, I want to clarify where we are:

1 Under California -- under federal law, a client has the
2 right to terminate or fire a lawyer at any point. There
3 are factors in that context that need not be addressed,
4 but under the circumstances, I am inclined to grant his
5 motion to fire Mr. Murphy. But I don't have any
6 evidence that that is what his intention is. He --
7 defendant Byrne has not filed a motion or declaration.
8 Mr. Murphy hasn't. I've ordered him to be here.

9 With regard to Mr. Yu, he is a member in good
10 standing of the California Bar and of this court. So I
11 am going to allow him to try the case. He's taking a
12 risk by coming in at this late stage just days ago and
13 risking violating court rules and rulings. If he does
14 do that, I won't -- I will not take into consideration
15 that he just came into the case. And if he abuses my
16 prior rulings, he will suffer the consequences.

17 With regard to Ms. Lambert, I'm denying her
18 motion to enter the case pro hac vice for some of the
19 same reasons as indicated in the ruling that was given
20 to me and for others, which I will issue and order.

21 With regard to Mr. Neff, now that I have not
22 allowed Ms. Lambert to be in the case, are you still in
23 the case?

24 MR. NEFF: Yes, Your Honor.

25 THE COURT: Okay. Stand up when you address

1 the Court.

2 MR. NEFF: Apologies, Your Honor.

3 THE COURT: Have you been in federal court
4 before?

5 MR. NEFF: I have not, no.

6 THE COURT: This is your first appearance in
7 federal court?

8 MR. NEFF: This is my first appearance in this
9 federal courthouse, yes.

10 THE COURT: In other federal courthouses, they
11 don't ask you to stand up?

12 MR. NEFF: I was trying to remember. It's been
13 a while.

14 THE COURT: Have you ever tried a case in
15 federal court?

16 MR. NEFF: Never in federal court.

17 THE COURT: How long you have you been a member
18 of the California Bar?

19 MR. NEFF: For 12 years.

20 THE COURT: Have you tried cases in the
21 Superior Court?

22 MR. NEFF: I've tried about 50 cases to
23 verdict, yes.

24 THE COURT: And have you tried cases in this
25 area of defamation?

1 MR. NEFF: In defamation, no.

2 THE COURT: Okay. You can participate in the
3 trial. You may be seated.

4 With regard to Mr. Yu, take the lectern again.
5 I started to ask you how you would cross-examine
6 plaintiff, and you said reputation. Reputation for
7 truth and veracity?

8 MR. YU: No, Your Honor. I was trying -- I
9 didn't want to cut the Court off. I was trying to
10 address the Court. I was reviewing the Court's pretrial
11 order, which is docket number 276, and I was essentially
12 reviewing it over the weekend and last night to ensure
13 that I don't violate the Court's order. I saw that in
14 the Court's order there was some mentioning that we can
15 go into the evidence of plaintiff's reputation in the
16 area of corruption dealing with foreign entities, which
17 is relevant to actual malice. And so --

18 THE COURT: What -- what malice -- but the
19 malice is -- in defamation, is from the standpoint of
20 the -- of the defendant. Why is the -- are you arguing
21 that whatever plaintiff's reputation is relates to
22 malice?

23 MR. YU: It relates to actual malice,
24 Your Honor.

25 THE COURT: What do you mean "actual malice?"

1 MR. YU: Well, that's the standard in which --

2 THE COURT: But I mean, malice is from the
3 standpoint of the defendant.

4 MR. YU: Well, right. And if our client,
5 Mr. Byrne, had reasons to believe -- general reason to
6 believe that these statements are true, then he wouldn't
7 have acted with actual malice.

8 THE COURT: But how -- what evidence will there
9 be that he believed them to be true?

10 MR. YU: I believe there is deposition
11 transcripts that will highlight that plaintiff will put
12 on, at least that is my understanding from reviewing the
13 exhibit list.

14 THE COURT: Well, are there transcripts where
15 there -- the plaintiff has not objected to parts of the
16 transcript where defendant said he believed something to
17 be true?

18 MR. BARBER: Your Honor, as -- as you know, we
19 have cut the transcript dramatically, number one.
20 Number two, cross-designations, you reviewed those
21 yesterday. And I don't believe there's anything that
22 has been cross-designated. Or I'll be happy --

23 THE COURT: What specific designation are you
24 referring to when you say that there's a part of the
25 transcript where Byrne said he believed certain things

1 to be true -- certain -- certain alleged prior acts of
2 corruption to be true?

3 MR. YU: Well, I think it's throughout --

4 THE COURT: What -- give us the page and line
5 number.

6 MR. YU: I don't have that at this moment,
7 Your Honor.

8 THE COURT: What's that?

9 MR. YU: I don't have that page and line
10 number.

11 THE COURT: Then take the transcript right
12 now -- I'll call another recess -- and tell me exactly
13 where it is, and the plaintiff should look at the
14 transcript themselves.

15 MR. YU: Very well, Your Honor.

16 THE COURT: Mr. Hansen, do you -- you seem to
17 have the most familiarity with things. Do you know what
18 he is talking about?

19 MR. BARBER: I frankly do not, Your Honor. And
20 as the Court ruled yesterday --

21 THE COURT: Well, then -- then sit down right
22 now and -- and find the part of the transcript that you
23 rely on.

24 I'll take a recess.

25 MR. BARBER: Your Honor, during your recess, is

1 Ms. Lambert -- she's off the team; is that correct?

2 THE COURT: Yeah.

3 Remove yourself from counsel table,
4 Ms. Lambert.

5 MS. LAMBERT: Yes, Your Honor.

6 (Recess.)

7 THE COURT: The question I asked, have you
8 resolved that question?

9 MR. YU: I was -- I'm sorry. Go ahead.

10 I did not find it, Your Honor. However, I'd
11 like to -- there is some changes in our attorney-client
12 relationship. I just want to address the Court on
13 something, if I may.

14 THE COURT: Are you changing your relationship
15 with defendant Byrne?

16 MR. YU: Yes.

17 THE COURT: I mean, that must have happened in
18 the last hour.

19 MR. YU: It happened in the last ten minutes,
20 Your Honor.

21 THE COURT: I mean, how do things -- I mean,
22 there is a limit to all of this. I mean, I'm not
23 pointing the arrow at you, but somebody has to take
24 responsibility. It can't be a moving target.

25 MR. YU: It is not a moving target, Your Honor.

1 And I don't plan to --

2 THE COURT: Well, tell me before I --

3 MR. YU: When me and Mr. Neff were retained on
4 this case from Ms. Lambert, we came on with the
5 expressed understanding that we were going to know our
6 respective role, which is a support role of this trial.
7 As the Court noted, we just came on the case, and I want
8 to just to be completely candid with the Court. When I
9 came on case, it was with the 100 percent understanding
10 that our roles are going to be supporting Ms. Lambert.

11 Now, I did not believe that the pro hac vice
12 would get denied. Quite frankly, she has a good
13 standing with the Michigan Bar. I did not expect the
14 Court's denial. I respect the Court's ruling. However,
15 Mr. Byrne has informed us that without Ms. Lambert on --
16 being off the case, we're not authorized to represent
17 him.

18 THE COURT: All right. So you're off the case.

19 MR. YU: I would ask, without prejudicing
20 Mr. Byrne, if we -- obviously, with me and Mr. Neff off
21 the case, we would like to put this case off so he can
22 find adequate competent counsel that is ready to
23 proceed. There are various logistical issues with the
24 designation of transcript that was not resolved that I
25 know of.

1 THE COURT: Well, you know, if there was
2 something in -- there are major problems with the
3 cross-designations. I mentioned those yesterday that
4 they were untimely and very untimely. And not only
5 untimely, but misleading because in the first instance,
6 they agreed with the designations of the plaintiff and
7 then changed their minds as -- happens almost hourly
8 here. And -- but I said I would nevertheless consider
9 it.

10 But the plaintiff is the master of what it
11 wants to designate. So if there's something in the
12 designations that you made that you want to eliminate,
13 you can always say, "I'm not going to use it." In other
14 words, when you designate something, that doesn't mean
15 that you have to use it. You can decide, well, I don't
16 want to use it, or I don't want to use any of it or some
17 of it.

18 So what is the -- what is the plaintiff's
19 position regarding where we are right now? I mean -- I
20 mean, the -- the rule is that the plaintiff can fire --
21 or a party can fire their lawyer at -- whenever they
22 want. But you know, context is always important.

23 And -- and are there limits to -- to the
24 shenanigans that's going on. And I don't use the word
25 "shenanigans" lightly. This is -- I used the term

1 before. This is really like a three-ring circus. I
2 mean, I've never seen this type of -- of -- of -- of --
3 of procedures. And I mean, not that I'm an oracle, but
4 I've been at this quite a while. And this is really
5 even shocking to me. And like I've said, I've been
6 exposed to a lot of shocking things.

7 So given -- knowing that you want to protect
8 your client's interest, what do you suggest the Court
9 address at this time?

10 MR. BARBER: Your Honor --

11 THE COURT: Take the lectern. Whoever wants to
12 speak to it can. I mean, I'm not necessarily going to
13 follow what you say, but at least I want to hear your
14 viewpoint.

15 MR. BARBER: Thank you, Your Honor. At this
16 time, it appears defendant has failed to appear for
17 trial either in person or through counsel. There is no
18 lawyer here authorized to represent him. Mr. Murphy did
19 not appear. There's no one else here authorized to
20 defend him. It would appear under Rule 55, he has
21 failed to plead or otherwise defend that an action for
22 affirmative relief that he should be placed in default.

23 THE COURT: I'll consider that.

24 Let's -- the jury, you know -- we have, as I
25 said yesterday, 60 ready to be here. But given what

1 we've experienced this morning, I had to hold them, and
2 then the jury department asked if they could send them
3 to lunch. So what I suggest we do is we reconvene at
4 1:00 o'clock.

5 MR. BARBER: Yes, Your Honor.

6 THE COURT: Maybe we'll have a better idea of
7 where we're going then. And it gives me a little more
8 time to think about the moving ball. Okay. Thank you.

9 MR. BARBER: Yes, Your Honor.

10 THE COURTROOM DEPUTY: All rise. This court is
11 in recess.

12 (Whereupon, lunch was taken.)

13 THE COURT: I'm back with the parties and
14 counsel. I asked Mr. Murphy to be here. I understand
15 he is.

16 Would you come forward, Mr. Murphy? Would you
17 take the lectern.

18 MR. MURPHY: Good afternoon, Your Honor.

19 THE COURT: Good afternoon. I want to know
20 when you were first notified that you were being
21 replaced.

22 MR. MURPHY: I was notified by e-mail this
23 morning.

24 THE COURT: This morning?

25 MR. MURPHY: Yes. And I was instructed that --

1 I was not to do any other work and I was done.

2 THE COURT: And was the e-mail from defendant
3 Byrne?

4 MR. MURPHY: It was from Mr. Byrne. I complied
5 with his instructions.

6 THE COURT: I see. I see. I turned over all
7 the files by Dropbox, provided counsel with all the
8 information I had so they should be ready to go.

9 THE COURT: And before that, you were not --
10 you had not turned over your files?

11 MR. MURPHY: Well, because I only found out
12 this morning and I had to go back to the office. We
13 have a Dropbox.

14 THE COURT: I see.

15 MR. MURPHY: So once I got back to the office,
16 we were able to Dropbox everything over.

17 THE COURT: I see.

18 Mr. MURPHY: It was a simple task, but I just
19 couldn't do it being here.

20 THE COURT: All right. Thank you. You may be
21 seated.

22 MR. MURPHY: Thank you.

23 THE COURT: Okay. I'm going to issue an order
24 to show cause why a default shouldn't be entered for the
25 plaintiff on the basis of Rule 37 and the inherent power

1 of the Court. And I'll have a hearing on that tomorrow
2 morning at 9:30.

3 And of course, whether Mr. Murphy, you're -- by
4 the way, were you instructed to make a motion to
5 withdraw?

6 MR. MURPHY: No. My understanding was because
7 counsel had filed a notice of association, that motion
8 was not necessary.

9 THE COURT: I see.

10 MR. MURPHY: Because they'd be here and were
11 competent to represent --

12 THE COURT: Nevertheless, I want you to inform
13 Mr. Byrne that there is this order to show cause, and
14 the Court will have a hearing tomorrow morning at 9:30
15 why default should not be entered against him for
16 violations of Rule 37 and for conduct which is -- which
17 is offensive to the inherent power of the Court.

18 MR. MURPHY: Is the Court requiring me to be
19 here, or am I excused?

20 THE COURT: I want you to be here.

21 MR. MURPHY: I -- okay. I just wanted to know
22 what you wanted me to do.

23 THE COURT: Well, that's what has to happen.

24 MR. MURPHY: Okay.

25 THE COURT: And I'll deal with it then,

1 and the -- and I know anyone can weigh in. Okay.

2 MR. MURPHY: Thank you.

3 THE COURT: Thank you.

4 (Whereupon, proceeding adjourned.)

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